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10/565,045	01/17/2006	Philip Paul O'Brien	29064-000	3678

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EXAMINER
JACOB, AJITH

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/565,045	O'BRIEN, PHILIP PAUL
	Examiner	Art Unit	
	AJITH JACOB	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-4,6-16,19-21,23-33 and 42-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *2-4,6-16,19-21,23-33 and 42-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

September 7, 2010 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 2-4, 6-16, 19-21, 23-33 and 42-49 are rejected under 35 U.S.C. 102(b) as

being anticipated by Tran et al. (US 6,157,935).

For claim 2, Tran et al. teaches:

The image processing system of claim 46, wherein the first editing facility

comprises an editing tool operable to facilitate editing an image associated with a

preview image file and to amend the associated file in response thereto [editing tools,

column 5, lines 31-55].

For claim 3, Tran et al. teaches:

The image processing system of claim 46, wherein the terminal is configured to

look in the master image file for data corresponding to a preview image in the master

image file and, if such data is found, to extract the data to the preview image file [tools

for data analysis, column 5, lines 31-55].

For claim 4, Tran et al. teaches:

The image processing system of claim 3 wherein, if data corresponding to a

preview image is not found, the master image is resized and the data corresponding to

the resized image is written to the preview image file [compression of data, column 7,

lines 16-25].

For claim 6, Tran et al. teaches:

The image processing system of claim 46, further comprising a second editing

facility configured to facilitate editing an image associated with a preview image file and

to amend the associated file in response thereto and to transmit a preview image file to

a client device and wherein the first editing facility is operable to transmit preview image

files to the second editing facility [transmission of compressed image to communication

device, column 7, lines 61-67 – column 8, lines 1-4].

For claim 7, Tran et al. teaches:

The image processing system of claim 6, wherein the first

editing facility is further configured to transmit the master image file to the second

editing facility upon receiving a request from the second editing facility and/or wherein

the terminal is further configured to transmit the master image file to the second editing

facility upon receiving a request from the second editing facility, and wherein the second

editing facility is configured to facilitate editing an image associated with a master image

file and to amend the associated master image file in response thereto and to transmit a

master image file to a client device [transmission capability of personalized messages

received from computer to client, column 9, lines 31-53].

For claim 8, Tran et al. teaches:

The image processing system of claim 6, wherein the second editing facility has

an associated archive and wherein the first and/or second editing facilities are

configured to send preview images to the archive [first facility storage, column 7, lines 1-

15 and second storage, column 10, lines 46-67 – column 11, lines 1-2].

For claim 9, Tran et al. teaches:

The image processing system of claim 6, wherein the first and/or second editing

facilities are configured to send master image files to the archive [first facility sending

image to storage, column 7, lines 1-15 and second storage, column 10, lines 46-67 –

column 11, lines 1-2].

For claim 10, Tran et al. teaches:

The image processing system of claim 6, further comprising an output server

through which image files are sent for onward transmission to a client device

[transmission through network, column 7, lines 16-25].

For claim 11, Tran et al. teaches:

The image processing system of claim 10, wherein the

output server is configured to regulate the delivery of image files to one or more client

devices [transmit by internet, telephone and fax, column 7, lines 16-25].

For claim 12, Tran et al. teaches:

The image processing system of claim 6, wherein either

the first or second editing facility is configured to create MMS messages that include

preview images [message image, column 7, lines 61-67 – column 8, lines 1-4 and

smaller file, column 9, lines 31-34].

For claim 13, Tran et al. teaches:

The image processing system of claim 12, wherein the editing facility is

configured to receive a file containing text describing an event, to search the text for

pre-defined terms, to create a new file containing text and images upon finding a pre-

defined term and to transmit the new file to client device [data ready for text data

processing, column 5, lines 31-55].

For claim 14, Tran et al. teaches:

The image processing system of claim 13, wherein the editing facility is

configured automatically to extract text from the incoming text file and to write the text

to the new file [text data processor, column 5, lines 31-55].

For claim 15, Tran et al. teaches:

The image processing system of claim 13, wherein the editing facility is

configured automatically to retrieve an image from an archive and to write the image to

the new file [editing tools, column 5, lines 31-55].

For claim 16, Tran et al. teaches:

The image processing system of claim 6, wherein either

the first or second editing facility is configured to create http slide shows that include

preview images [image to browser in first facility, column 5, lines 31-55].

Claims 19-21 and 23-33 is a method of the system taught by claims 2-4 and 6-16,

respectively. Tran et al. teaches the limitations of claims 1-4 and 6-16 for the reasons

stated above.

For claim 42, Tran et al. teaches:

The image processing system of claim 46, wherein the first editing facility is

configured to transmit a preview image file to a client device [transfer compressed data

to client, column 7, lines 16-25].

Claim 43 is a method of the system taught by claim 42. Tran et al. teaches the

limitations of claim 42 for the reasons stated above.

Claim 44 is a method of the system taught by claim 46. Tran et al. teaches the

limitations of claim 44 for the reasons stated below.

For claim 45, Tran et al. teaches:

The method of claim 44, wherein the steps of transmitting by the terminal the

preview image file and the master image file are carried out using wireless transmission

thereof [wireless transmission of data from portable to base station, column 2, lines 53-

67 -- column 3, lines 1-39].

For claim 46, Tran et al. teaches:

An image processing system, comprising:

a terminal having a computer-readable storage medium for storing each master image

file supplied by a camera, each master image file representing a respective image of an

event

captured by the camera [terminal for editing, column 28, lines 39-67 -- column 29, lines

1-8], and a processor for creating from at least one of the stored master image files a

preview image file having a file size smaller than a file size of the master image file, the

terminal transmitting the created preview image file [compressed image available for

transmission, column 7, lines 16-25], and the terminal transmitting the master image file

corresponding to the previously transmitted preview image file upon receipt of a request

[computer with storage and editing tools, column 5, lines 31-55]; and

a first editing facility, located away from the terminal, receiving the preview image file

transmitted by the terminal, transmitting to the terminal a request for the terminal to

transmit the master image file corresponding to the preview image file received by the

first editing facility [editing of content available, column 23, lines 21-34], receiving the

master image file transmitted by the terminal, editing the received master image file,

and transmitting the edited master image file to a remote client device [compression

tools, column 7, lines 16-25].

For claim 47, Tran et al. teaches:

The image processing system of claim 46, wherein the terminal wirelessly

transmits the created preview image file, and the terminal wirelessly transmits the

master image file corresponding to the previously transmitted preview image file upon

receipt of the request, and the first editing facility wirelessly transmits to the terminal the

request for the terminal to transmit the master image file corresponding to the preview

image file received by the first editing facility [wireless transmission of data from

portable to base station, column 2, lines 53-67 -- column 3, lines 1-39].

For claim 48, Tran et al. teaches:

An image processing system, comprising: a terminal and first and second editing

facilities; wherein the terminal having a computer-readable storage medium and

receives an electronic image file representing an image of an event, stores the received

image file in the computer- readable storage medium, and transmits the image file to the

first editing facility;

the first editing facility being local to the event but located away from the terminal and

(a) receives the image file transmitted by the terminal [image reception, column 5, lines 31-55],

(b) determines a suitable editing station for displaying the image associated with the image file, and to display the image at the editing station [editing tools, column 5, lines 31-55],

(c) facilitates selection of the image displayed at the editing station [display tools, column 5, lines 31-55],

(d) facilitates selection of an output destination for the selected image file wherein available output destinations include the second editing facility and one or more client devices [output capability, column 7, lines 36-60], and

(e) transmits the selected file to the selected output destination;

the second editing facility being remote from the event [output to communication device, column 7, lines 36-60] and:

(a) receives the image file transmitted by the first editing facility [receive image, column 7, lines 61-67 – column 8, lines 1-4],

(b) displays the image associated with the image file at an editing station [display at edit, column 10, lines 25-45],

(c) facilitates selection of the displayed image [display, column 10, lines 25-45],

(d) facilitates editing of the selected image [edit, column 10, lines 25-45],

(e) facilitates selection of an output destination for the selected image file, wherein available output destinations include one or more client devices [send data, column 9, lines 31-53], and

(f) transmits the selected file to the selected output destination [transmit, column 9, lines 31-53].

For claim 49, Tran et al. teaches:

The image processing system of claim 48, wherein the terminal wirelessly transmits the image file to the first editing facility [wireless transmission of data from portable to base station, column 2, lines 53-67 -- column 3, lines 1-39].

Response to Arguments

4.   Applicant's arguments filed September 7, 2010 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Amendments to clarify the 35 U.S.C. 101 rejection has overcome the previous action's rejection against the claims.

Applicant argues that Tran et al. (US 6,157,935) does not teach a terminal and a first editing facility. The reference clearly teaches the ability, on a computer system that received the transmitted data, to edit the images [column 28, lines 39-67 -- column 29, lines 1-8].

Arguments against new and amended claims are addressed in the rejection above.

In light of the forgoing arguments, the 35 U.S.C. 102 rejection is hereby sustained.

Conclusion

The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and

line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/12/2011

AJ
Patent Examiner

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161